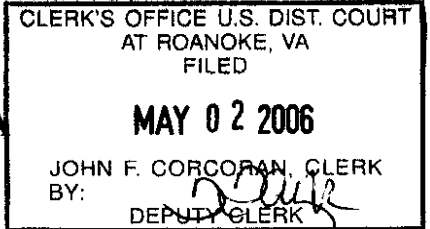


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



MARK J. KONSAVICH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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Civil Action No. 7:06-cv-00265

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** without prejudice as premature.

The Clerk is directed to strike the case from the active docket of the court and to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 2^d day of May, 2006.

[Signature]

United States District Judge